

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 1:10CR384
	)	
Plaintiff,	)	JUDGE SARA LIOI
	)	
vs.	)	
	)	
FRANK RUSSO,	)	<b><u>MOTION TO SCHEDULE A STATUS</u></b>
	)	<b><u>CONFERENCE PRIOR TO SETTING</u></b>
Defendant.	)	<b><u>THE RULE 35 HEARING</u></b>
	)	
	)	

Now comes the Defendant, Frank Russo, by and through undersigned counsel, and respectfully requests that this Honorable Court schedule a status conference prior to scheduling a hearing on the Government's Motion to reduce the Defendant's sentence pursuant to Rule 35(b)(1) of the Federal Rules of Criminal Procedure. A Memorandum in Support is attached hereto.

Respectfully submitted,

s/Roger M. Synenberg  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of October, 2012, a copy of the foregoing Defendant's *Motion to Schedule a Status Conference Prior to Setting the Rule 35 Hearing* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Roger M. Synenberg  
ROGER M. SYNENBERG

Fed:m-z: Russo,F.mot.cont.rule35.hearing

## MEMORANDUM

On December 14, 2011, the Government filed a *Motion Pursuant to Rule 35 Fed. R. Crim. Proc.* requesting that this Honorable Court consider reducing Mr. Russo's sentence "for providing substantial assistance to the United States in investigating and prosecuting persons who are targets and subjects of the Cuyahoga County corruption investigation." (Doc. 28, p. 1). In that motion, the Government requested that the Court schedule a hearing on its motion "once Defendant's cooperation is substantially complete." *Id.*, p. 2.

On October 15, 2012, the Government filed a *Motion to Schedule a Rule 35 Hearing* requesting that the Court schedule a hearing on its December 14, 2011 hearing prior to October 25, 2012 since "Defendant's cooperation in substantially complete." (Doc. 36, p. 1).

The Government contacted undersigned counsel prior to filing its motion. The Government discussed information with counsel that may be relevant to the Court's scheduling of this hearing. Due to the nature of this information, undersigned counsel submits it would be appropriate to share this information with the Court during a status conference prior to the Court scheduling the Rule 35 hearing.

WHEREFORE, Defendant Frank Russo respectfully requests that this Honorable Court schedule a status conference prior to scheduling a hearing on the Government's Motion to reduce the Defendant's sentence pursuant to Rule 35(b)(1) of the Federal Rules of Criminal Procedure.

Respectfully submitted,

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